



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Balaraman Kalyanaraman, et al. Group Art Unit: 1655
Serial No.: 10/820,599 Examiner: Louise Leary
Filed: 04/08/2004 File: 650053.00044
Title: 2-HYDROXYETHIDIUM, METHODS OF
PREPARATION AND USES THEREOF

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Balaraman Kalyanaraman and Hongtao Zhao, on oath say and declare that:

1. We are the two named inventors of the above-identified patent application, and we make this declaration in support of that patent application.
2. We have reviewed the January 19, 2006 Office Action. We understand that the Examiner rejected claims 1-25 under 35 U.S.C. §102(a) as being anticipated by, or alternatively under 35 U.S.C. §103(a) as being obvious over, Zhao et al. (Proc. Natl. Acad. Sci. USA 102:1359-1368, 2003). In this declaration, we provide evidence that Zhao et al. describes two named inventors' own work.
3. We noted that Zhao et al. has seven authors, Hongtao Zhao, Joy Joseph, Henry M. Fales, Edward A. Sokoloski, Rodney L. Levine, Jeannette Vasquez-Vivar, and B. Kalyanaraman and the present application has two named inventors, Balaraman Kalyanaraman and Hongtao Zhao. The named inventors Balaraman Kalyanaraman and Hongtao Zhao are the same persons as B. Kalyanaraman and Hongtao Zhao who are the last and first authors of Zhao et al.
4. Authors Joy Joseph, Henry M. Fales, Edward A. Sokoloski, Rodney L. Levine, and Jeannette Vasquez-Vivar are not inventors because they did not contribute to the concept presented in Zhao et al. They were named authors for their contribution to

the reduction to practice of said concept or the confirmation of said concept with alternative experimental systems.

5. We hereby declare all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 25 day of March, 2006

Bal K Ne
Balaraman Kalyanaraman

Dated this ____ day of _____, 2006

Hongtao Zhao

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